

### **REMARKS**

In the Office Action mailed July 31, 2006 from the United States Patent and Trademark Office, the Examiner rejected claims 1-11 under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 1-8 and 10-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rosenbloom-Kerzner (2002); claims 1-11 are rejected under 35 U.S.C. § 103(c) as being unpatentable over Rosenbloom-Kerzner (2002) in view of Flackhart et al. (WO 9307901 A1).

#### **Specificalton**

In the pending action, the Examiner indicated that pages 22 and 23 of to the specification contained figures which should be presented as official drawings. Applicant is in the process of preparing formal drawings for submission in the above referenced case. When such drawings are prepared, applicant will submit them with an amendment to the specification to include a brief description of the drawings which does not introduce new matter into the disclosure.

#### **Rejections under 35 U.S.C. § 112**

Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has amended the claims of the present invention to improve their clarity. Drawing the claims to a method for administering a product to a patient. Accordingly, Applicant respectfully requests that the § 112 rejections be withdrawn.

#### **Rejections under 35 U.S.C. § 102(b) and 103(a):**

Applicant respectfully submits the claims provided herein, are not anticipated or rendered obvious by the cited references. Verdegall Bros. v. Union Oil Co. of California, 814 F. 2d 628, 631 (Fed. Cir. 1987). The independent claims of the present invention have been amended to recite a limitation for quercetin present in an amount between about 0.1 and about 10 percent by

weight; and rutin present in an amount between about 0.1 and 10 percent by weight. The art cited fails to teach or fairly suggest these claim limitations. Accordingly, Applicant respectfully requests that the section 102 and 103 rejections be withdrawn.

**CONCLUSION**

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 30 day of October, 2006.

Respectfully submitted,

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